

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Robert Moss, individually and as general)
guardian of his minor child; Ellen Tillett,)
individually and as general guardian of her)
minor child; and The Freedom)
From Religion Foundation, Inc.,)

Plaintiffs,)

vs.)

Spartanburg County School District)
No. 7, a South Carolina body politic)
and corporate,)

Defendant.)

C.A. No. 7:09-1586-HMH

OPINION & ORDER

Pending before the court is Defendant's motion to dismiss. Plaintiffs have failed to respond to the motion to dismiss. Further, Plaintiffs have not filed a motion for an extension of time to respond to the motion to dismiss. Therefore, it appears that Plaintiffs no longer wish to pursue this action. Based on the foregoing, if no response is filed within ten (10) days from the date of this order, this action will be dismissed for failure to prosecute pursuant to Rule 41 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
October 1, 2009